

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FAR EASTERN SHIPPING COMPANY, PLC,

Plaintiff,

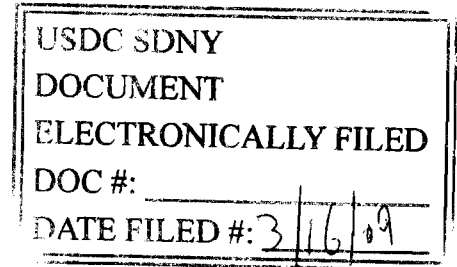
-against-

06 Civ. 0015 (LAK)

CANADA GIANT SUCCESS INTERNATIONAL LTD., et al.,

Defendants.
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ORDER



LEWIS A. KAPLAN, *District Judge*.

The complaint in this action sought process of maritime attachment pending an anticipated London arbitration and the retention of jurisdiction by the Court "through the entry of any judgment or award associated with the Plaintiff's London arbitration award or any judgment based thereon." The arbitration now has been concluded. Plaintiff seeks a default judgment against defendant Canada Giant Success International Ltd.

The notice of motion does not say what relief the plaintiff seeks to obtain by the default judgment it seeks on this motion. Its memorandum states that it seeks confirmation of the arbitration award and attorney's fees and costs of this action.

Rule 54(c) provides in relevant part that "[a] default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings." That serves a very practical purpose, as the defendant sued in a remote forum has the choice of (a) appearing, which risks the entry of an *in personam* judgment against it, or (b) ignoring the action and possibly suffering a default judgment, but preserving its right to challenge the judgment on the ground that the court lacked personal jurisdiction.

In this case, neither the complaint nor the amended complaint stated that plaintiff sought judgment confirming the arbitration award. Accordingly, the motion for a default judgment [docket item 18] is denied.

SO ORDERED.

Dated: March 16, 2009

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan".

Lewis A. Kaplan
United States District Judge